

**City Council
Agenda Memo**



**City Council
Meeting Date: 1/9/2014**

TO: Larry D. Gilley, City Manager

**FROM: Jon James, AICP
Director of Planning and Development Services**

SUBJECT: Final reading and public hearing on an ordinance for Case No. Z-2013-40, a request from Mill Creek Apartments, LP, agent Cojer Surveing, Inc., to rezone property from GC (General Commercial) to MF (Multi-Family Residential) zoning, being approx. the front 200 feet of 5249 Hwy 277 S.

GENERAL INFORMATION

Currently the property is zoned GC and is developed with apartments. The properties to the north and west are zoned GC and are developed with commercial uses. The properties to the south and east are zoned MF and are developed with apartments. The subject property is requesting a change in zoning to bring it into conformance with the Land Development Code. Apartments are no longer allowed in the GC zoning. The requested zoning would match the zoning for the majority of the multi-family residential (apartment) development and remove any legal, non-conforming elements on the property.

The Future Land Use section of the Comprehensive Plan designates the area as low-density residential. The property is adjacent to retail & commercial development located to the north along Highway 277 S. The requested zoning would match the existing zoning on the majority of the property and eliminate any legal, non-conforming elements on the property. The requested zoning is compatible with the adjacent uses and the Comprehensive Plan.

STAFF RECOMMENDATION

Staff recommends approval.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval by a vote of 7 in favor (Bixby, Glenn, McClarty, Rosenbaum, Todd, Yungblut, and Famble) and none opposed.

ATTACHMENTS

- Ordinance
- Staff Report with Maps

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|---|---------------------|--|
| Prepared by: Name: <u>Ben Bryner</u> Title: <u>Planning Services Manager</u> December 27, 2013 | Item No. <u>7.2</u> | Disposition by City Council <input type="checkbox"/> Approved Ord/Res# _____ <input type="checkbox"/> Denied _____ <input type="checkbox"/> Other _____ _____ City Secretary |
|---|---------------------|--|

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 23, part known as the Land Development Code of the City of Abilene, is hereby amended by changing the zoning district boundaries as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

PART 2: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PART 3: That the Planning Director be, and is hereby authorized and directed to change the official Zoning Map of the City of Abilene to correctly reflect the amendments thereto.

PASSED ON FIRST READING this 19th day of December, A.D. 2013.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 15th day of November, 2013, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m., on the 9th day of January, 2014 to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 9th day of January, A.D. 2014.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from GC (General Commercial) to MF (Multi-Family Residential) district.

Legal Description:

A portion of: LAZEE TEE SUB, BLOCK 1, LOT 304, REP OF 201, ACRES 9.55



Location:

Being approximately the front 200 feet of 5249 Hwy 277 S.

-END-

ZONING CASE Z-2013-40

STAFF REPORT



APPLICANT INFORMATION:

Mill Creek Apartments, LP
Agent: Cojer Surveing, Inc.

HEARING DATES:

Planning & Zoning Commission: December 2, 2013
City Council 1st Reading: December 19, 2013
City Council 2nd Reading: January 9, 2014

LOCATION:

Being approximately the front 200 feet of
5249 Hwy 277 S

REQUESTED ACTION:

GC (General Commercial) to MF (Multi-Family
Residential) zoning



SITE CHARACTERISTICS:

The front portion of the property is currently zoned GC and is developed with apartments.

ZONING HISTORY:

The area was annexed in 1986 zoned AO at that time.

ANALYSIS:

• Current Planning Analysis

Currently the property is zoned GC and is developed with apartments. The properties to the north and west are zoned GC and are developed with commercial uses. The properties to the south and east are zoned MF and are developed with apartments. The subject property is requesting a change in zoning to bring it into conformance with the Land Development Code. Apartments are no longer allowed in the GC zoning. The requested zoning would match the zoning for the majority of the multi-family residential (apartment) development and remove any legal, non-conforming elements on the property.

• Comprehensive Planning Analysis

The Future Land Use section of the Comprehensive Plan designates the area as low-density residential. The property is adjacent to retail & commercial development located to the north along Highway 277 S. The requested zoning would match the existing zoning on the majority of the property and eliminate any legal, non-conforming elements on the property. The requested zoning is compatible with the adjacent uses and the Comprehensive Plan.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval as requested.

Case # Z-2013-40
Updated: December 9, 2013

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommends approval by a vote of 7 in favor (Bixby, Glenn, McClarty, Rosenbaum, Todd, Yungblut, and Famble) and none opposed.

NOTIFICATION:

Property owners within a 200-foot radius were notified of the request.

| OWNER | ADDRESS | RESPONSE |
|--|----------------|----------|
| MILL CREEK APARTMENTS LP | 5225 HWY 277 S | |
| JOHNSON PAUL | 5301 HWY 277 S | |
| FULCHER BLAKELY PAUL & FULCHER BRADLEY DURWOOD | 5250 HWY 277 S | |
| MILL CREEK APARTMENTS LP | 5249 HWY 277 S | |
| TEXAS AVENUE - 86 | 5226 HWY 277 S | |

0 in Favor- **Y**
0 Opposed- **N**







